

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

THE FARMWORKER ASSOCIATION OF
FLORIDA INC., *et al.*,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official capacity as
Governor of the State of Florida, *et al.*,

Defendants.

Case No. 23-CV-22655-RKA

PLAINTIFFS' RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY

FDA v. Alliance for Hippocratic Medicine, 2024 WL 2964140 (June 13, 2024), did not abrogate organizational standing, either explicitly or implicitly. *See Kondrat'yev v. Pensacola*, 949 F.3d 1319, 1328 (11th Cir. 2020) (cleaned up) (abrogation only where Supreme Court decision is “clearly on point and clearly inconsistent with preexisting Eleventh Circuit precedent”). Rather, *Alliance* reaffirmed *Havens*, rejecting only a singularly weak standing claim, by organizations who opposed certain FDA actions and claimed standing “based on their incurring costs *to oppose* FDA’s actions.” *Id.* at *13 (organization studied actions and “engag[ed] in public advocacy and public education” against them). The Court held that such “issue-advocacy” organizations “cannot manufacture” standing “simply by expending money to gather information and advocate against the defendant’s action.” *Id.*

FWAF’s injuries are nothing like that. FWAF exists to serve its members, and Section 10 makes that harder, by subjecting its staff and members to arrest and prosecution. Section 10 has thus “directly affected and interfered with [FWAF’s] core business activities,” *id.*, by diverting

resources from its member services and requiring new efforts to “assist affected individuals,” PI Order 16. *Alliance* reaffirmed organizational standing in that situation. And regardless, it has no impact on FWAF’s associational standing.

Dated: June 17, 2024

Respectfully submitted,

/s/ Anne Janet Hernandez Anderson
On behalf of Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify on June 17, 2024, I electronically filed the foregoing with the Clerk of Court via the CM/ECF system. I further certify that a true and correct copy of the foregoing, together with Plaintiffs' redacted supporting declarations and a copy of the proposed order will be timely served on all Defendants in accordance with the Federal Rules of Civil Procedure.

/s/ Anne Janet Hernandez Anderson

On behalf of Attorneys for Plaintiffs